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Attorneys for Debtors and Debtors in Possession

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION,

- and -

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

** All papers shall be filed in the lead case,
No. 19-30088 (DM)*

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11
(Lead Case) (Jointly Administered)

**STIPULATION BETWEEN DEBTORS
AND DAN CLARKE FOR LIMITED
RELIEF FROM THE AUTOMATIC STAY**

Re: Dkt. Nos. 2823

Cont'd Hearing Date: July 31, 2019
9:30 am

1 This stipulation and agreement for order (“**Stipulation and Agreement for Order**”) is
2 entered into by PG&E Corporation and Pacific Gas and Electric Company, as debtors and
3 debtors in possession (collectively, the “**Debtors**”), on the one hand, and Dan Clarke (“**Clarke**”),
4 on the other. The Debtors and Clarke are referred to in this Stipulation and Agreement for Order
5 collectively as the “**Parties**,” and each as a “**Party**.” The Parties hereby stipulate and agree as
6 follows:

7 **RECITALS**

8 A. On June 19, 2019, Clarke filed the *Motion for Relief from the Automatic Stay*
9 [Dkt. No. 2823] (the “**Motion**”).

10 B. Clarke seeks relief from the automatic stay to continue with the litigation of
11 Clarke’s pending claims against the Debtors in the civil case pending before the United States
12 District Court for the Northern District of California (“District Court”), styled *San Francisco*
13 *Herring Association and Dan Clarke vs. Pacific Gas and Electric Company; PG&E*
14 *Corporation*, Case No. 14-cv-04393 WHO (JCS) (the “**USDC Case**”). Except as provided in
15 this Stipulation, the Debtors oppose Clarke’s request for relief from the automatic stay.

16 C. On November 20, 2018, the Debtors filed a motion for summary judgment (the
17 “**MSJ**”), seeking adjudication in their favor on all of Clarke’s pending claims. At the hearing on
18 the MSJ on January 9, 2019, the District Court provided its tentative ruling from the bench,
19 heard oral argument, and took the MSJ under submission.

20 D. As of January 29, 2019, when the Debtors filed their chapter 11 petitions, the
21 District Court had not ruled on the MSJ. A notice of stay was filed on February 6, 2019, and on
22 February 11, 2019, the District Court entered an order administratively closing the case.

23 **NOW, THEREFORE, IT HEREBY IS STIPULATED AND AGREED BY AND**
24 **BETWEEN THE PARTIES, THROUGH THE UNDERSIGNED, AND THE PARTIES**
25 **JOINTLY REQUEST THE COURT TO ORDER, THAT:**

26 1. This Stipulation and Agreement for Order shall be effective upon entry of
27 an order by this Court approving it.
28

2. The automatic stay will be modified solely to enable the District Court to issue a decision on the Debtors' pending MSJ in the USDC Case and to enter an order consistent with that decision.

3. The automatic stay will remain in effect for all other purposes and as to all other proceedings in the USDC Case.

4. Upon entry of an order on the Debtors' MSJ in the USDC Case, Clarke has the right to seek further relief from the automatic stay as to any or all further proceedings in the USDC Case by motion or by stipulation, and the Debtors have the right to oppose such relief, in both instances on any available grounds.

Dated: July 19, 2019

KELLER & BENVENUTTI LLP

/s/ Peter J. Benvenutti
Peter J. Benvenutti

*Attorneys for Debtors
and Debtors in Possession*

Dated: July 19, 2019

BELVEDERE LEGAL PC

/s/ Matthew D. Metzger
Matthew D. Metzger

Attorneys for Dan Clarke